

**VILLAGE OF TUXEDO PARK
BOARD OF TRUSTEES
REGULAR MEETING
APRIL 17, 2024
MINUTES**

Present: Mayor Marc D. Citrin
Deputy Mayor Michele Lindsay
Trustee Paul Brooke
Trustee Joshua Scherer (via Zoom in New York City)
Trustee Anna (Tinka) Shaw

Clerk: Elizabeth A. Doherty

Village Attorney: Jared A. Kasschau, Esq. (Harris Beach, PLLC) via Zoom and
Brian S. Stoler, Esq. (Harris Beach, PLLC) via Zoom (arrived at 9:06 p.m.)

Attendees: Building and Land Use Officer John Ledwith, Department of Public Works
Superintendent Jeff Voss, Police Chief Allen Faust, Jay Reichgott, and three
other members of the public were in attendance at Village Hall and
approximately 16 members of the public attended via Zoom.

Mayor Citrin called the meeting to order at 7:00 p.m. Roll call was taken followed by the Pledge of Allegiance.

**Reports to the Board
Resolution 0417-01**

Be it resolved that the Board add all written reports to the permanent record.

Motion made by Mayor Citrin seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Approval of Minutes
Resolution 0417-02

Be it resolved that the Board of Trustees approve the minutes from the following meetings:

- a. March 20, 2024 Regular Meeting
- b. March 25, 2024 Special Meeting
- c. April 3, 2024 Special Meeting

Motion made by Mayor Citrin seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Abstain

Sunday Deliveries
Resolution 0417-03

Be it resolved that the Board of Trustees allow for non-food deliveries on Sundays.

Motion made by Mayor Citrin seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Nay
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Nay

Renewal of Health Insurance Plans
Resolution 0417-04

Be it resolved that the Board of Trustees approve to approve CDPHP, a dental insurance plan, at the same rates as last year; MWG Administrators, a vision insurance plan, at the same rates as last year; and MVP Health Care at a cost of \$18,861.75 per month, which includes dependents up to the age of 30.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Resignation of Planning Board Chair
Resolution 0417-05

Be it resolved that the Board of Trustees accept the resignation of JoAnn Hansen as Chair of the Planning Board.

Motion made by Mayor Citrin seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Appointment of Planning Board Chair
Resolution 0417-06

Be it resolved that the Board of Trustees appoint Jay Reichgott as Chair of the Planning Board through July 3, 2024.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Capital Planning Committee
Resolution 0417-07

Be it resolved that the Board of Trustees approve the formation of the Capital Planning Committee, with JoAnn Hansen serving as Chair and Deputy Mayor Michele Lindsay, Trustee Joshua Scherer, Tom Bermingham and Gardiner Hempel serving as members of the committee.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Monarch Butterfly Pledge
Resolution 0417-08

Be it resolved that the Board of Trustees authorize the Mayor to sign the Mayor's Monarch Pledge.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Town Sewer Refunds
Resolution 0417-09

Be it resolved that the Board of Trustees provide refunds to Town sewer customers who were billed for Village sewer services.

Motion made by Mayor Citrin, seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Landscaper Licensing Application
Resolution 0417-10

Be it resolved that the Board of Trustees approve the Landscaper Licensing Application (shown as Attachment A to these minutes).

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Nay

Wee Wah Fishing Club
Fish Stocking Request
Resolution 0417-11

Be it resolved that the Board of Trustees approve the Wee Wah Fishing Club request to provide fish stocking in Wee Wah Lake.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Shed Media Request
Resolution 0417-12

Be it resolved that the Board of Trustees approve the request from Shed Media to film an episode of The Real Housewives in the Village of Tuxedo Park, solely interior, at an address on Lookout Road, subject to a fee for a police officer, dependent upon the number of hours that the filming takes place. The fee is to be paid directly to the Village.

Motion made by Mayor Citrin, seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Election Day Hours
Resolution 0417-13

Be it resolved that the Board of Trustees resolve to hold Village Elections at 80 Lorillard Road on Tuesday, June 18th from 7:00 a.m. to 9:00 p.m.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Board Terms
Resolution 0417-14

Be it resolved that the Board of Trustees release a memo provided by Village Attorney Brian Stolar, Esq. that lists the current Board of Architectural Review members and their terms (Attachment B to these minutes).

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Audit of Claims

Village Clerk-Treasurer Doherty noted for the record the audit of claims for the month of March as follows: General Fund - \$136,077.57, Sewer Fund - \$5,514.44 and Water Fund - \$16,603.20.

Budget Transfers

Sewer Fund

8130.4 - Sewage Contractual	\$132,000.00	
8130.50 - I&I (Inflow & Infiltration)		\$132,000.00

General Fund

1110.1 - Judicial Personnel	\$1,250.00	
1325.4 - Treasurer Personnel	\$3,150.00	
1325.4 - Treasurer Contractual	\$500.00	
1325.44 - Treasurer-IT Support	\$700.00	
1620.4 - Buildings DPW & VH	\$3,000.00	
1460.4 Records Mgmt Cont		\$8,600.00
3640.41 - Online Syst & License Reader	\$200.00	
3020.4 - Police Contractual		\$200.00
3620.1 - Building Inspector Personnel	\$25,500.00	
3620.4 - Building Inspector Contractual	\$175.00	
5110.4 - Street Maint Contractual	\$120,928.43	
5130.4 - Machinery Cont	\$22,000.00	
9010.8 - NYS Retirement	\$1,000.00	
1640.2 - Central Garage Equipment	\$5,000.00	
1440.4 - Engineering Cont		\$10,000.00
1620.2 - Buildings Equipment		\$2,500.00
1930.4 - Judgments & Claims		\$10,500.00
5142.1 - Snow Removal Personnel		\$13,350.00
5142.4 - Snow Removal Contractual		\$24,000.00
8170.1 - Street Cleaning Personnel		\$15,000.00
9040.8 - Workmans Comp		\$15,000.00
3000 Appropriations		\$84,253.43

Enter Executive Session Resolution 0417-15

Be it resolved that the Board of Trustees leave the Public Meeting and enter Executive Session at 9:35 p.m. to discuss individual complaints regarding sewer charges on their properties.

Motion made by Mayor Citrin seconded by Trustee Brooke.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Exit Executive Session
Resolution 0417-16

Be it resolved that the Board of Trustees exit Executive Session and re-enter the Public Meeting at 10:21 p.m.

Motion made by Mayor Citrin, seconded by Trustee Shaw.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Adjournment
Resolution 0417-17

Be it resolved that the Board of Trustees adjourn the Public Meeting at 10:22 p.m.

Motion made by Mayor Citrin, seconded by Deputy Mayor Lindsay.

Vote of the Board:

Mayor Citrin – Aye
Deputy Mayor Lindsay – Aye
Trustee Brooke – Aye
Trustee Scherer – Aye
Trustee Shaw – Aye

Respectfully submitted,

Elizabeth A. Doherty
Village Clerk-Treasurer

ATTACHMENT A

Village of Tuxedo Park
 80 Lorillard Road
 Tuxedo Park, NY 10987
 (845) 351-4345

2024 LANDSCAPER LICENSING APPLICATION
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Company Name: _____
 Principal/Owner: _____
 Address: _____
 Email: _____ Phone: _____

VEHICLE AND TRAILERS

Vehicle 1 Plate # _____	Year: _____	Make: _____
Vehicle 2 Plate # _____	Year: _____	Make: _____
Vehicle 3 Plate # _____	Year: _____	Make: _____
Vehicle 4 Plate # _____	Year: _____	Make: _____
Vehicle 5 Plate # _____	Year: _____	Make: _____
Vehicle 6 Plate # _____	Year: _____	Make: _____
Vehicle 7 Plate # _____	Year: _____	Make: _____
Vehicle 8 Plate # _____	Year: _____	Make: _____
Vehicle 9 Plate # _____	Year: _____	Make: _____
Vehicle 10 Plate # _____	Year: _____	Make: _____
Vehicle 11 Plate # _____	Year: _____	Make: _____
Vehicle 12 Plate # _____	Year: _____	Make: _____

PLEASE INCLUDE COPIES OF THE FOLLOWING:

- ☐ Insurance Certificate for General Liability and Workers Compensation
- ☐ Insurance Certificate/Policy Cover Sheet for all vehicles and trailers

I/WE AGREE TO ABIDE BY THE FOLLOWING RULES AND REGULATIONS AND PROVISIONS OF THE TUXEDO PARK VILLAGE CODE AND TO ANY AND ALL ADDITIONS, DELETIONS, AMENDMENTS OR SUPPLEMENTS TO ANY OF THE RULES AND REGULATIONS AND PROVISIONS OF THE TUXEDO PARK VLLAGE CODE, WHICH SHALL BE COMMUNICATED TO ME IN WRITING.

A. No landscaper or employee of a landscaper shall do or perform or cause, suffer or permit any of the following acts:

- (1) Operate any power or manual lawn mower or other power equipment earlier than 8:00 a.m. nor later than 4:30 p.m. on weekdays or at any time on Saturdays, Sundays or legal holidays; provided, however, that such equipment may be operated between the hours of 9:00 a.m. and 6:00 p.m. on Sundays and legal holidays if not more than one such piece of equipment is in use at any one time and such use is by a person who resides on the property where the equipment is being operated. Notwithstanding the aforesaid restrictions, leaf blowing activities may be performed on any Saturday in November prior to the Thanksgiving holiday of each year between 9:00 a.m. and 4:30 p.m. This subsection shall not preclude the operation at any time of such equipment as may reasonably be required in case of emergency conditions where the emergency reason is provided to the Village Building Department and approved as an emergency by the Building Department in writing.
- (2) Place or cause to be placed any garbage refuse, cuttings, leaves, wood or other materials upon any public highway or public property, except at locations and in a manner designated for such placement. All lawn cuttings, leaves and debris accumulated from real property located in the Village of Tuxedo Park must be removed by the permittee and disposed of at the permittee's own cost or composted on the customer's property pursuant to NYSDEC regulations.
- (3) Scatter or cause to be scattered any garbage, refuse, cuttings, leaves or other waste materials from the custody of such persons onto any public highway, public place or private property without the permission of the property owner.
- (4) Use any chemicals designated by the Village as not permitted, in accordance with Village Code §65-8. Phosphorous/fertilizers containing phosphorous have been banned in Tuxedo Park since 2008 including:
 1. Diammonium Phosphate (DAP)
 2. Monoammonium Phosphate (MAP)
 3. Superphosphate (SSP)

4. Triple Superphosphate (TSP)

In addition, in December 2023, New York State passed a new law, S.1856-A/A.7640 Birds and Bees Protection Act prohibiting the use of Neonicotinoid pesticides for outdoor ornamental plants and turfs. These are the primary pesticides that contain neonicotinoids and their use is prohibited:

1. Acetamiprid
2. Clothianidin
3. Dinotefuran
4. Imidacloprid
5. Nitenpyram
6. Thiocloprid
7. Thiamethoxam

- (5) Remove or top more than four (4) live trees over five inches in diameter, as measured 48 inches above ground, in any calendar year without approval from the Board of Architectural Review and a permit from the Board of Trustees.

Workmen trimming or pruning of low branches may be performed without a permit.

- (6) Deposit leaves or cuttings or any other matter into any of the lakes of the Village.
- a. Work creating noise beyond the subject property line that is clearly audible by a reasonable person of normal and average auditory sensitivities, including noise resulting from the delivery, removal or use of heavy equipment, construction, demolition, excavation, tree cutting, lawn mowing, leaf blowing or other landscaping work, exterior repairs or any other such work shall be permitted on weekdays between 8:00 a.m. and 4:30 p.m. No such activities shall be permitted on Saturday or Sunday or on any New York State recognized holiday, except that leaf blowing activities may be done on any Saturday in November prior to the Thanksgiving holiday of each year between 9:00 a.m. and 4:30 p.m.
 - b. Excepted from the restrictions in Subsection A above are snow or ice removal by snowblowers and other machinery for the purpose of removing snow or ice, and abatement of imminent hazards. Also excepted from Subsection A above is routine property maintenance, such as minor home repair or improvement projects, and landscaping activities, performed by the property owner, resident or occupier on Saturdays (other than New York State recognized holidays), and between 9:00 a.m. and 4:30 p.m. and on Sundays (other than New York State recognized holidays) from 10:00 a.m. to 2:00 p.m.
 - c. Violate the Village Code applicable to the work performed by the licensee.

**VIOLATION OF ANY OF THE RULES AND REGULATIONS MAY RESULT IN
SUSPENSION OR FORFEITURE OF LICENSE AS WELL AS IMPOSED FINES**

STATE OF NEW YORK :
: ss:
COUNTY OF ORANGE :

_____ being duly sworn, deposes and says he/she is the
principal/agent described in the foregoing application and that the statements contained herein
are true to the best of his/her knowledge and belief.

Signature of Applicant

Sworn to me this _____ day of

_____, 20____

ATTACHMENT B***Mr. Lynch's Appointment***

Ryan Lynch was appointed to the BAR on June 26, 2023. The June 26, 2023 minutes note that the appointment was to fill an open seat. However, the appointment also was made to an open seat "to be determined".

As Mr. Lynch's appointment was made prior to the end of the official year (which begins at 12:00pm on the first Monday in July), the appointment would be for any seat then open. It would not have been for the seat that subsequently became available on July 3, 2023. I would note that had the appointment been made on or after July 3, 2023, this appointment could have been made for the term commencing on July 3, 2023 and terminating on July 3, 2028.

Having made the appointment prior to July 3, 2023, if the appointment was made to fill the seat for the Board member whose term was expiring on July 3, 2023, the appointment would have only been for the remainder of the term ending on July 3, 2023. And, as such, Mr. Lynch's term would have expired on July 3, 2023, and now he would be serving as a holdover in the position. In that circumstance, the Board may fill that position by appointing Mr. Lynch or a new member for the term that expires on July 3, 2028.

The "Open Seat" as of June 26, 2023

As of June 26, 2023, in accordance with the Board minutes, the following BAR members were then serving for the following terms:

Molly Gonzales (term ending on July 1, 2024) – On January 18, 2023, Ms. Gonzales was appointed to fill the unexpired term of Josh Aaron.

Christopher Gow (term ending on July 7, 2025) - Mr. Gow was appointed to this position on September 29, 2020.

Sheila Tralins (serving as a holdover in the position whose term, if appointed for a full term, would end on July 6, 2026) – Ms. Tralins was appointed on October 1, 2016 to fill the position terminating July 5, 2021. She then served as a holdover (which was acknowledged in the July 21, 2021 and July 20, 2022 Board organizational meeting minutes) and continued to serve as a holdover until the Board appointed a replacement for the balance of the term (or she resigned). Please note that a holdover for a 5 year position only serves in the position until (a) a replacement is appointed or (b) the holdover resigns.

Stefanie Rinza (term ending on July 5, 2027) – Ms. Rinza was appointed on January 18, 2023 to fill the seat previously occupied by Christopher Boshears.

Robert McQuilkin (serving as a holdover (unless again appointed after July 3, 2023) for a term ending on July 3, 2028) – Mr. McQuilkin was appointed on December 18, 2019 to the fill the

position that was previously occupied by Christian Bruner. The term of the position was set to expire on July 3, 2023.

Based on the terms as noted above, the only “open seat” as of June 26, 2023 was the seat then occupied by Sheila Tralins as a holdover. And that seat has a term ending on July 6, 2026. This analysis assumes that each of the above identified BAR members remained in their respective seats as of June 26, 2023 and had not previously resigned. Had there been a properly filed resignation (one that is filed with the Village, regardless of whether the resignation is accepted by the Board (as a resignation is effective on the resignation date identified in the filed resignation letter)), then there would be additional confusion as to whether Mr. Lynch occupies the 2026 seat or another seat. Based on the information that we received, the only option is that his appointment was to fill the seat then occupied by Ms. Tralins as this was the only open seat as of June 26, 2023.